

**FIRST AMENDMENT
TO THE
DRAFT ENVIRONMENTAL IMPACT REPORT**

**HOUSING OPPORTUNITIES
STUDY**

**GENERAL PLAN AMENDMENTS
PHASE III**

SCH# 2003122126

Prepared by the
City of San Jose

November 2004

PREFACE

This document, the First Amendment to the Draft Environmental Impact Report (DEIR), together with the DEIR constitutes the Final Environmental Impact Report (FEIR) for the Housing Opportunities Study Phase III. The DEIR was circulated to affected public agencies and interested parties for a 45-day review period. This volume consists of comments received by the Lead Agency on the DEIR, responses to those comments, and revisions to the text of the DEIR.

In conformance with the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The FEIR is used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the DEIR by making written findings for each of those significant effects. According to the State Public Resources Code (Section 21081), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) or subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In accordance with the CEQA Guidelines, the FEIR will be made available to the public for ten days prior to the EIR certification hearing.

**HOUSING OPPORTUNITIES STUDY PHASE III
FIRST AMENDMENT TO THE DRAFT EIR**

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**I. LIST OF AGENCIES AND ORGANIZATIONS TO WHOM THE DRAFT EIR
WAS SENT**

State Agencies

- A. California Department of Fish And Game
- B. California Department of Toxic Substances Control
- C. California State Clearing House

Regional Agencies

- D. Airport Land use Commission
- E. Alameda County Planning Department
- F. Bay Area Air Quality Management District
- G. Caltrans, District 4
- H. Regional Water Quality Control Board
- I. Santa Clara County Parks and Recreation
- J. Santa Clara County Planning Department
- K. Santa Clara County Roads and Airports
- L. Santa Clara Valley Transportation Authority
- M. Santa Clara Valley Water District

Local Agencies

- N. City of Campbell
- O. City of Milpitas
- P. City of Morgan Hill
- Q. City of Santa Clara
- R. City of Saratoga
- S. San José Unified School District
- T. East Side Union High School District

Organizations

- U. Pacific Gas & Electric
- V. San José Water Company
- W. Union Pacific Railroad

II. LIST OF COMMENTS LETTERS RECEIVED ON THE DRAFT EIR

State Agencies

- | | |
|--|--------------------|
| A. California Department of Transportation | September 21, 2004 |
| B. California Public Utilities Commission | September 22, 2004 |

Regional Agencies

- | | |
|---|--------------------|
| C. Santa Clara County Roads and Airports Department | September 23, 2004 |
| D. Santa Clara Valley Transportation Authority | September 27, 2004 |

Organizations/Individuals

- | | |
|---------------------------|--------------------|
| E. Pacific Gas & Electric | September 21, 2004 |
|---------------------------|--------------------|

III. REVISIONS TO THE TEXT OF THE DRAFT EIR

No comments have been made on the DEIR that would require an amendment to the text of the document. In addition, no information has been found that would clarify any analysis or alter any conclusions made in the DEIR. As a result, no text revisions are proposed to the DEIR.

IV. RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all the comments requiring responses contained in letters, emails, and phone calls received regarding the DEIR during the advertised 45-day review period. The comments are organized under headings containing the source of the comment and the date submitted. The specific comments have been excerpted from the letters and are presented as “Comment” with each response directly following. Each of the letters submitted to the City of San José is contained in its entirety in Section V of this document.

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies. Section I of this document lists all of the recipients of the DEIR.

Four of the five comment letters below are from public agencies. The CEQA Guidelines require that:

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation. [§15086(c)]

Regarding mitigation measures identified by commenting public agencies, the CEQA Guidelines state that:

Prior to the close of the public review period, a responsible agency or trustee agency which has identified what the agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decisions, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state. [§15086(d)]

Two of the four comment letters from public agencies include complete and detailed performance objectives for mitigation measures or reference readily available guidelines or reference documents concerning mitigation measures.

A. RESPONSE TO COMMENTS FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, SEPTEMBER 21, 2004

Comment 1A: Highway Operations

Please provide location maps for all study intersections (I/S's) for the 12 housing sites, besides the enumerate study intersections shown in Table 11.

Response 1A: A general vicinity map of the 12 project sites is shown on Figure 2 on page 4 of the DEIR. Site specific vicinity maps are shown on Figures 3 – 7 (located on pages 5 – 9 of the DEIR). In addition, there are small “thumbnail” maps of each project site within the *Transportation* section (see pages 99, 101, 104, 106, and 109) of the document. These maps can be used to locate the intersections listed in Table 11 for each project, and the freeway segments listed in Table 13.

Comment 2A:

The report should address and discuss the basis used for measuring the Level of Service (LOS) of all I/S's under the City of San José's standard compared to those I/S's under the Congestion Management Plan (CMP).

Response 2A: The traffic analysis prepared for the HOS III General Plan amendment (GPA) sites identifies the current operating conditions of transportation facilities in the vicinity of the proposed GPA sites. The methodology used to calculate LOS at all intersections is the same under the City and CMA policies. This near-term intersection and freeway segment information is presented merely to identify existing conditions in the area, some of which may constitute constraints to future development. The GPA traffic analysis shows general traffic trends on a link and screenline basis. The GPA traffic analysis is not meant to satisfy the requirements of a detailed transportation impact analysis (TIA), which determines near-term traffic impacts due to a specific development and identifies required mitigation. A TIA would be required at the time a zoning or planning permit application is made for developing a particular site.

Comment 3A:

The report should discuss the basis of the existing traffic study. When were the existing traffic volumes counted?

Response 3A: As stated in Appendix B of the DEIR, traffic volumes on freeway segments were obtained from the Santa Clara County Congestion Management Program *2002 Monitoring & Conformance Report*.

The existing intersection volumes were taken directly from the City of San Jose's most recent counts available at the time the GPA traffic study was prepared. The existing traffic counts ranged from the years 2000 to 2003.

Comment 4A:

Please explain why some adjacent I/S's to the 12 sites were not studied? For example, Site #1: include SB SR-85 off-ramp/Blossom Hill Road/Blossom Avenue I/S. What was the basis for

selecting the study I/S's shown in Table 11?

Response 4A: A General Plan level traffic analysis looks at major intersections adjacent to or within close proximity to the project site that might constitute constraints to future development. When a specific project is proposed on any of the 12 project sites in the future, a full TIA will be prepared and intersections will be analyzed based on traffic flow patterns to and from the site for that proposed site. Please note that the SB SR-85/Blossom Hill Road/Blossom Avenue intersection, listed as SR 85 and Blossom Hill Road (W) in Table 11, is included in the analysis.

Comment 5A:

The report should include Freeway Ramps in the traffic study.

Response 5A: Neither the CMA adopted methodology nor the City of San José require analysis of freeway ramps. However, roadway/freeway ramp intersections are analyzed when it is anticipated that the intersection will impact or be impacted by the project. When a specific development project is proposed on any of the 12 project sites, the LOS of all relevant roadway/freeway ramp intersections will be included in the analysis.

Please note that the SB SR-85/Blossom Hill Road/Blossom Avenue intersection, listed as SR 85 and Blossom Hill Road (W) in Table 11, is included in the analysis.

Comment 6A:

Table 11, Existing and Background Intersection LOS should include the traffic impacts of the proposed housing project based on the proposed land usage changes for the sites.

Response 6A: The traffic analysis prepared for the HOS III GPA sites identifies the current and background operating conditions of intersections in the vicinity of the proposed GPA sites. This near-term intersection information is presented merely to identify existing conditions in the area, some of which may constitute constraints to future development. The GPA traffic analysis shows future traffic patterns on a link and screenline basis. The GPA traffic analysis is not meant to satisfy the requirements of a detailed TIA, which determines near-term traffic impacts from a specific development. A TIA would be required at the time a zoning or planning permit application is made for developing a particular site. The traffic analysis prepared for the DEIR is consistent with the analyses done for all General Plan amendments in San José for the past 25 years.

Comment 7A:

Table 13, Freeway Segment. Beside the existing conditions, the table results should include traffic impacts of the project sites proposed changes and background conditions.

Response 7A: The traffic analysis prepared for the HOS III GPA sites identifies the current operating conditions of freeway segments in the vicinity of the proposed GPA sites. This near-term freeway segment information is presented to

identify existing conditions in the area, some of which may constitute constraints to future development. The GPA traffic analysis shows future traffic patterns on a link and screenline basis. The GPA traffic analysis is not meant to satisfy the requirements of a detailed TIA, which analyzes near-term traffic impacts due to a specific development. A TIA would be required at the time a zoning or planning permit application is made for developing a particular site.

Comment 8A:

Has the traffic study report for the 12 housing sites considered the impacts which the proposed “Modifications to the City of San José’s Traffic Impact Policy” will have on the proposed sites? Please refer to the City of San José – Modification of City Intersection Projects, SCH #2002082001.

Response 8A: The Housing Opportunities Study Phase III EIR is a General Plan level document. The General Plan level traffic analysis shows future patterns on a link and screenline basis. The near term intersection information is presented merely to identify existing conditions. The proposed “Modifications to the City of San José’s Traffic Impact Policy” has not been approved at the present time. It will, however, be applied to future near term traffic impact analyses when specific projects are proposed for any of the HOS III project sites.

B. RESPONSE TO COMMENTS FROM THE CALIFORNIA PUBLIC UTILITIES COMMISSION, SEPTEMBER 22, 2004

Comment 1B:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the City be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to the Union Pacific Railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help to improve the safety to motorists and pedestrians in the City.

Response 1B: The Housing Opportunities Study Phase III EIR is a General Plan level document. At this time, no specific development plans are proposed on any of the project sites. When a specific development plan is proposed adjacent to an existing rail line, the CPUC will be notified and allowed to comment on the proposed project and site development issues relevant to the rail line.

C. RESPONSE TO COMMENTS FROM THE SANTA CLARA COUNTY ROADS AND AIRPORTS DEPARTMENT, SEPTEMBER 23, 2004

Comment 1C:

It is observed that portions of sites 7 and 8 are located in the unincorporated area of Santa Clara County. It is recommended that the City of San José annex the sites as part of the development.

Response 1C: The parcels are located within the City's Sphere of Influence and Urban Service Boundary and do not need to be annexed for a General Plan amendment to be approved. Prior to approval of any future development, any of the properties considered in this EIR that are still unannexed would need to be rezoned and annexed prior to development or redevelopment occurring.

Comment 2C:

On Page 107, it is stated that both sites 5 and 6 have access to Almaden Expressway via Curtner Avenue interchange. Please note that both sites have direct access to Almaden Expressway via Canoas Garden Avenue. In view of this, both sites' traffic impacts, on Almaden Expressway should be examined in more detail.

Response 2C: The DEIR states on page 107 that Canoas Garden Avenue connects to the on/off ramps at Almaden Expressway. This is an acknowledged route to Almaden Expressway from Sites 5 and 6. A General Plan level traffic analysis is not meant to satisfy the requirements of a detailed transportation impact analysis (TIA), which determines near-term traffic impacts due to a specific development and identifies required mitigation. If, at a future date, a specific development proposal is submitted for Site 5 or 6 a project specific Traffic Impact Analysis will be required that will address all local roadways and intersections impacted by the proposed project. No further analysis of Almaden Expressway is required in this EIR.

**D. RESPONSE TO COMMENTS FROM THE SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY, SEPTEMBER 27, 2004**

Comment 1D:

The Transit Corridor Residential Zoning District should be re-examined. Successful transit-oriented development (TOD) has demonstrated that higher residential densities than those suggested (min 20 DU/acre) are required to achieve acceptable capture rates of transit ridership. Likewise, residential densities of an average of 50+ units to the acre are necessary to attract retail uses to the ground floor spaces. Mixed-use is a critical component of TOD and can take many forms that are currently not allowed in the Transit Corridor Residential Zoning. This zoning should be more transit oriented mixed use than solely residential. There may be some sites like West San Carlos that can accommodate ground floor retail (beyond neighborhood-serving retail), office, hotel and higher density retail. Institutional or educational uses may be appropriate at transit TOD's in combination with residential and commercial or office use.

Response 1D: The Transportation Corridor Residential (20+ DU/AC) is a General Plan Land Use/Transportation Diagram designation, not a zoning district. This designation allows a variety of commercial and residential uses and establishes a minimum density of 20 dwelling units per acre. There is no maximum density under this land use designation. The General Plan does distinguish between minimum densities recommended for Suburban versus Urban Transit Corridor Residential. Urban Transit Corridor Residential should have a minimum density of 45 dwelling units per acre. The project sites that are proposed for the Transit Corridor Residential (20+ DU/AC) designation are considered to be located in areas that are appropriate for the Urban Transit Corridor Residential minimum density (45 DU/AC), and these sites are expected to be developed with a mix of uses.

The City concurs that successful transit-oriented development has demonstrated that residential densities higher than 20 dwelling units/acre are required to achieve acceptable capture rates of transit ridership and that residential densities of an average of 50+ dwelling units/acre are necessary to attract retail uses to the ground floor spaces. The City also agrees that mixed-use is a critical component of transit-oriented development. However, the City believes that the designation of Transit Corridor Residential (20+ DU/AC) is consistent with these assumptions. The General Plan intends for sites within urban transit corridors that are designated Transit Corridor Residential to develop with at least 45 dwelling units per acre, and preferably higher densities, and to contain neighborhood-serving commercial uses on the ground floor of development in order to increase transit ridership and to create viable retail uses.

Comment 2D:

VTA's vision for successful transit-oriented developments that include mixed uses, pedestrian-oriented site plans, and result in vibrant community centers, requires a density and intensity of use around transit stations that exceeds the variety of uses and densities recommended in the Housing Opportunities Study. Likewise, VTA's objective of creating ongoing revenue from joint development will not be successful unless the density and intensity of use created enough land value to support ground leasing. The low density and intensity of use creates enough land value

to support ground leasing. The low density and intensity of use and lack of adequate flexibility in use mix recommended in the Housing Opportunities Study will not support VTA's objective of revenue enhancement through joint development and will not create the desired transit ridership at TOD's.

Response 2D: The General Plan intends for sites within urban transit corridors that are designated Transit Corridor Residential (20+ DU/AC) to develop with at least 45 dwelling units per acre (though higher densities are preferred), and to contain neighborhood-serving commercial uses on the ground floor of development in order to increase transit ridership and to create viable retail uses. Several sites considered in the DEIR were analyzed for a General Plan amendment to change the Land Use/Transportation Diagram designation to High Density Residential (25-50 DU/AC). According to the text of the General Plan, under this designation, sites within a reasonable walking distance of a passenger rail station may be appropriate for vertical commercial/residential mixed-use development with commercial uses serving the surrounding neighborhood and rail passengers. Therefore, the City believes that this designation is consistent with the VTA's vision.

The lower residential densities and industrial uses proposed on the other sites analyzed in the DEIR reflect the City's intention to intensify these sites in a manner that is compatible with the sites' existing infrastructure, surrounding uses, and neighborhood context. At a future time, as transit opportunities and pedestrian-serving neighborhood uses increase within proximity to these sites, the sites can be reconsidered for designations that would allow higher densities and a greater mix of uses.

Comment 3D:

Site 1: Blossom Hill. The Blossom Hill LRT Station serves this site and will be a joint development site for VTA. Recommended density of 12-25 units per acre is too low. The range should not have an upper limit and should not have a minimum below 20 units/acre (preferably higher) and should result in an average density at the site of at least 45 units/acre. This site should allow mixed-use to allow for commuter and community-serving retail from restaurants, cleaners, convenience stores or even a specialty store like Cost Plus or Trader Joes. Unless we make stations practical for commuters by providing retail conveniences and make public spaces safe with retail and restaurant uses, they will be empty and unsafe areas. VTA is interested in revenue. Low densities do not support ground leases and are counter to VTA policies for revenue-generation. VTA is interested in increased ridership. Studies document that the percentage of ridership from residents living near transit stations is dependant upon the density of residential use at these locations.

Response 3D: The City acknowledges VTA's concern that the recommended density of 12-25 dwelling units per acre is too low to generate substantial revenue for VTA and is not conducive to a mix of uses. Although the proposed density would not create a substantial increase in ridership, there would be an incremental increase. The City originally considered Transit Corridor Residential (20+ DU/AC) on Site 1. However, based on neighborhood feedback, the City concluded that a lower density range would be more acceptable. At a future time, as transit opportunities and pedestrian-serving neighborhood uses increase within proximity to Site 1, the project site can be reconsidered for a designation that would allow higher densities and a greater mix of uses.

Comment 4D:

Site 2: Berryessa. This is the near the site of a future BART station. This will be a VTA joint development site. Mixed use should be permitted at this location. The Flea Market could leave the farmer's market legacy in a grand open space at this site. Other retail could be successful here such as restaurants, convenience stores, cleaners, or even specialty stores like Cost Plus or Trader Joes. Are the neighborhood retail uses allowed under the City of San José's recommended zoning designation flexible enough to allow these uses? Again, residential densities recommended are far too low. An average of 45-50 units per acre is easily done in low rise buildings of four stories. In Portland, Oregon five story residential buildings have been constructed at densities of 130-180 units per acre. VTA is interested in revenue. Low densities do not support ground leases and are counter to VTA policies for revenue-generation. Low densities do not increase transit ridership and underutilize land near transit stations.

Response 4D: The proposed designation of Transit Corridor Residential (20+ DU/AC) is consistent with VTA's recommended mix of densities and uses on the subject site. As previously states, this General Plan designation encourages a minimum density of 45 dwelling units /acre on this site as well as mixed-use development with neighborhood serving commercial uses. At this time, there is no re-zoning proposal for Site 2. Additional environmental clearance would be needed for any re-zoning application to be considered. A re-zoning application would also be subject to public hearings before the Planning Commission and City Council. Site 2 is adjacent to another site that does have a pending re-zoning application (filed by a private applicant) for a mix of uses that includes high-density housing and commercial uses to encourage BART ridership. It should be noted, however, that Site 2 is also adjacent to properties that are zoned for and developed with residential densities of 9.2 – 10.5 dwelling units per acre. For these reasons, the designation proposed for this site allows for a broad range of densities and uses rather than specifying the more limited density range of 130 – 180 units per acre recommended by the VTA.

Comment 5D:

Site 4: Near Alum Rock BART Station. This is near the site of a future BART station. This will be a VTA joint development site. Mixed use should be permitted at this location. Retail could be successful here such as restaurants, convenience stores, cleaners, or even specialty stores like Cost Plus or Trader Joes. Again, residential densities recommended are far too low. An average of 45-50 units per acre is easily done in low-rise buildings of four stories. VTA is interested in revenue. Low densities do not support ground leases and are counter to VTA policies for revenue-generation. Low densities do not increase transit ridership and underutilize land near transit stations.

Response 5D: The City agrees with VTA's statements regarding minimum densities and the mix of uses that best support transit ridership. However, the City considered several other issues prior to formulating a proposal for the designation of Medium Density Residential (8-16 DU/AC) and Medium High Density Residential (12-25 DU/AC) on Site 4. Site 4 is already developed with predominantly light industrial uses on small lots. The existing neighborhood is within an area considered for mixed-use in the Five Wounds/Brookwood Terrace Strong Neighborhoods Initiative Plan. On the northerly portion of Site 4, the backyards of single-family residential lots abut the rear yard

boundaries of the properties proposed for a land use designation of Medium Density Residential; on the southern portion of the site proposed for a land use designation of Medium High Density Residential, the quantity and small size of the lots greatly limit the possibilities for high density development.

Comment 6D:

Site 5-6: Curtner. The Curtner LRT station is located here. This will be a VTA joint development site. This site should allow mixed-use to allow for commuter and community-serving retail from restaurants, convenience stores, cleaners, or even specialty stores like Cost Plus or Trader Joes. Unless we make stations practical and public spaces safe with retail and restaurant uses, they will be dead and unsafe areas. VTA is interested in revenue. Low densities do not support ground leases and are counter to VTA policies for revenue-generation. Again residential densities should not have an upper limit, minimum density should be above (sic) 20 units per acre. Building forms and heights can be controlled and still maintain higher densities. Low densities do not increase transit ridership and underutilize land near transit stations.

Response 6D: The proposed designation of Transit Corridor Residential (20+ DU/AC), with a minimum of 45 dwelling units/acre for Urban Transit Corridor Residential, and High Density Residential (25-50 DU/AC) encourage development of commercial/residential mixed-use within a reasonable walking distance of a passenger rail station to serve the surrounding neighborhood and rail passengers. Therefore, the proposed designations are consistent with VTA's comments on Sites 5 and 6.

Comment 7D:

Site 7-12: San Carlos/Vasona. This is another joint development site and it merits a very high density and a mid-rise structure. There would be little, if any neighborhood opposition to high density residential and mid-rise building form (sic) here. We would recommend 80-150 units to the acre and definitely mixed-use development, allowing a wide variety of retail uses on the ground floor level. It would make sense to permit office along with residential and retail use at these sites, encouraging a true mixed-use community, as this strongly supports pedestrian connections in an urban environment, while placing transit-supportive uses near the new LRT station. VTA is depending on the density of development in this area to fund the majority of the LRT station construction as this is an unfunded station. This site is an excellent opportunity for a high capture of transit riders from a high intensity urban development.

Response 7D: The City decided upon the proposed designations for Sites 7-12 by considering the need for additional housing within the context of the approved Midtown Specific Plan, the need to maintain some industrial employment land, and the anticipated increase in demand for public parkland, once the selected sites redevelop with housing units. The City concurs that preserving opportunities for retail uses, as well as other commercial uses, is important in this area. The proposed land use designations on Sites 7-12 are consistent with maintaining these commercial opportunities. Taking into account the factors mentioned above, as well as the existing infrastructure of the area, the City's approach is to propose a more gradual conversion from non-residential to high-density residential land use designations on the project sites. For these reasons, the City recommends a maximum density of 65 dwelling units per acre on the applicable sites in the Midtown area, rather than 80 to 150 dwelling units per acre recommended by VTA.

E. RESPONSE TO COMMENTS FROM PACIFIC GAS AND ELECTRIC COMPANY, SEPTEMBER 21, 2004

Comment 1E:

PG&E owns and operates gas and electrical facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning staged as possible.

Relocations of PG&E's electrical transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electrical transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

Response 1E: The Housing Opportunities Study Phase III EIR is a General Plan level document. At this time, no specific development plans are proposed on any of the project sites. When a specific development plan is proposed, the developer will be required to comply with the CPUC clearance requirements.

Comment 2E:

We would also like to note that continued development consistent with City's General Plans will have a cumulative impact on PG&E's gas and electrical systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

We would like to recommend that environmental documents for proposed development projects

include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

Response 2E: The Housing Opportunities Study Phase III EIR is a General Plan level document. At this time, no specific development plans are proposed on any of the project sites. When a specific development plan is proposed, the project specific environmental review will analyze the impact of the project on local utilities pursuant to recommendations outlined in this comment letter.

Comment 3E: We also encourage the Planning Office of the City to include information about the issue of electric and magnetic fields (EMF) in environmental documents. It is PG&E's policy to share information and educate people about the issue of EMF.

Electric and Magnetic Fields (EMF) exist wherever there is electricity—in appliances, homes, schools, and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. If you have questions about EMF, please call your local PG&E office. A package of information which includes materials from the California Department of Health Services and other groups will be sent to you upon your request.

Response 3E: When a project proposes to place residents adjacent to existing power lines or transformers, the City of San José may request an analysis of EMF exposure. When specific development plans are proposed on any of the Housing Opportunity Study sites, the City will may request an EMF analysis if applicable.

Comment 4E: PG&E remains committed to working with City to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Response 4E: The comment is acknowledged, no response is required.

V. COPIES OF THE COMMENT LETTERS RECEIVED ON THE DRAFT EIR
